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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,773	10/11/2000	Timothy L. Racette	99556466	5174
26565	7590	03/17/2006		
MAYER, BROWN, ROWE & MAW LLP P.O. BOX 2828 CHICAGO, IL 60690-2828			EXAMINER CARRILLO, BIBI SHARIDAN	
			ART UNIT 1746	PAPER NUMBER
DATE MAILED: 03/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/686,773	Applicant(s) RACETTE ET AL.	
	Examiner Sharidan Carrillo	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-102 and 106-108 is/are pending in the application.
- 4a) Of the above claim(s) 33-58,90-102 and 106-108 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,59-77,79,81-85,88 and 109 is/are rejected.
- 7) ☒ Claim(s) 4-32,78,80,86,87 and 89 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12212005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 67-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 67 is indefinite because it recites the pressurized fluid solvent comprising xenon, nitrous oxide, and sulfur hexafluoride. However, claim 2 recites the fluid solvent as carbon dioxide. Claims 68-69 are indefinite because they are not further limiting. Claim 70 is indefinite because it recites supercritical and claim 2 is directed to subcritical.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-3, 59-69, 71-77, 79, 81-85, 88, 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cauble Jr. et al. (6491730) in view of Grunewalder (3701627).

Cauble Jr. teach pretreating an article (fabric, textile) by contacting with an organic solvent and further cleaning with a liquid dry-cleaning composition comprising carbon dioxide and further rinsing with carbon dioxide (col. 7, lines 5-10). In reference to claim 2, Cauble teaches cleaning a substrate with an organic solvent. The glycol ethers, as recited in col. 4, lines 16-30) read on the organic solvent having the structural formula as recited in claim 2. One would have reasonably expected the step of cleaning with a liquid dry-cleaning composition to remove the pre-treating solution. The limitation of rinsing with liquid CO₂ would result in the step of removing the remaining portion of the organic solvent. The limitations of the subcritical condition are met since Cauble teaches ambient conditions. Cauble does not specifically recite the removal of

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contaminants by the pre-treating composition. Grunwalder teaches cleaning textiles with an organic solvent mixture comprising glycol ethers for purposes of removing contaminants. In view of the teachings of Grunwalder, one would reasonably expect the glycol ethers in the pre-treating composition to also remove contaminants from the textile surface. Additionally, col. 3, lines 1-5 of Cauble teaches pre-treating in an amount effective to enhance subsequent cleaning, which suggests to the skilled artisan that the pre-treating composition also functions to remove contaminants. Further, since the liquid dry cleaning composition used to remove stains include both CO₂ and the organic solvent used in the pre-treating composition, one would reasonably expect the pre-treating composition to also remove contaminants from the substrate surface.

In reference to claims 3, 59-61, 71, 74-77, 79, 81-85, 88, and 109, the limitations are met since Cauble teaches the same composition as the instantly claimed invention. In reference to claim 62, Cauble teaches d-limonene in combination with the organic solvent (col. 2, lines 46-50). In reference to claims 63-64, refer to col. 3, lines 60-65. In reference to claims 65-66, Cauble fails to teach the recited pressure. However, it would have been within the level of the skilled artisan to modify the pressure within the recited range since Cauble teaches that the composition is held at a pressure that maintains it in liquid form.

In reference to claim 67, it would have been within the level of the skilled artisan to use equivalent pressurized fluids. In reference to claims 72-73, refer to col. 8, lines 42-45.

Allowable Subject Matter

6. Claims 4-32, 78, 80, 86-87, 89 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach the organic solvent as claimed in claims 4-32, 78, 80, 86-87, and 89.

7. In an interview with Mr. David Fournier on 3/6/06, the examiner discussed allowable subject matter. However, an agreement could not be reached at this time.

8. The double patenting rejections are withdrawn in view of the terminal disclaimers filed.

9. The request to rejoin all species claims that depend from the generic claim 2 has been granted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on M-W 6:30-4:00pm, alternating Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc



SHARIDAN CARRILLO
PRIMARY EXAMINER